No. 521/02
Filed by S. C-B-Ghatge Adv
11/2/02
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IN THE M.P. STATE ADMINISTRATIVE TRIBUNAL
BENCH AT RAIPUR (CHHATTISGARH)

Original Application No. ...185..... / 2002

APPLICANT

SMT. BHAGWATI SAHU
WIFE OF SHRI P.L. SAHU
AGED ABOUT 37 YEARS
ASSISTANT TEACHER
GOVERNMENT GIRLS HIGHER SECONDARY
SCHOOL, KANKER
DISTRICT KANKER (C.G.)

VERSUS

NON-APPLICANTS

1. STATE OF MADHYA PRADESH TROUGH THE SECRETARY, TRIBAL WELFARE DEPARTMENT, BHOPAL (M.P.)
2. THE STATE OF CHHATTISGARH, THROUGH THE SECRETARY, TRIBAL WELFARE DEPARTMENT, RAIPUR (C.G.)
3. THE COMMISSIONER, TRIBAL WELFARE DEPARTMENT, BHOPAL (M.P.)
4. THE COMMISSIONER, TRIBAL WELFARE DEPARTMENT, RAIPUR (C.G.)
5. THE SAHAYAK AYUKT, ADIVASI VIKAS, DISTRICT KANKER, KANKER (C.G.)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985

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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.4564 OF 2005

Petitioner : Smt. Bhagwati Sahu

versus

Respondents : State of Madhya Pradesh and others

Present : Mr. P.P.Sahu, counsel for the petitioner.
Ms. Sunita Jain, Panel Lawyer for the State of Chhattisgarh/respondents.

ORDER
(Passed on 19th Day of February, 2007)

The petitioner was appointed vide order dated 28-12-1984 (A-1) as Deputy Teacher on fixed pay of Rs.300/- per month for a period of two years. However, after completion of one year, the petitioner was appointed as Assistant Teacher in the pay-scale of Rs.545-975/- on regular basis by order dated 10-8-1987 (A-2).

2. Learned counsel appearing for the petitioner submits that the issue involved in the case is as to whether the petitioner is entitled to regular pay-scale with effect from the date of initial appointment or from the date of completion of probation period.

3. The issue involved herein was considered by the Madhya Pradesh Administrative Tribunal, Jabalpur in Original Application

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No.2745 of 1989 (*Madhukant Yadu and 56 others* vs. *State of M.P. and others*), wherein it was held that the similarly situated teachers are entitled to regular pay-scale with effect from the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892 of 1993. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay-scale from the date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in the matter of ***Sushil Tiwari and others*** **vs.** ***State Government of Chhattisgarh and others*** (Writ Petition (S.) No.5976 of 2006), by order dated 7-11-2006, has granted regular pay-scale with effect from the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that the facts and question of law involved in the present writ petition are squarely covered by the decision of this Court in the case of ***Sushil Tiwari and others*** **vs.** ***State Government of Chhattisgarh and others*** (supra).

6. For the aforementioned reasons, the writ petition is allowed in terms of the decision of this Court in the matter of ***Sushil Tiwari and others*** **vs.** ***State Government of Chhattisgarh and others*** (supra). No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal